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12 Co-Lead Counsel for Plaintiffs and the Proposed Classes
13 [*Additional counsel on signature page*]

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

16
17 In Re Apple & AT&TM Anti-Trust Litigation

NO. C 07-05152 JW

18 **DECLARATION BY PLAINTIFFS' CO-**
19 **LEAD COUNSEL DAMIAN R.**
20 **FERNANDEZ AND MAX**
21 **FOLKENFLIK IN SUPPORT OF**
22 **STIPULATION ENLARGING TIME**
23 **FOR PLAINTIFFS TO FILE A**
24 **CONSOLIDATED AMENDED**
25 **COMPLAINT**

(CIVIL LOCAL RULE 6-2(a).)

Judge: Honorable James Ware

26 The undersigned counsel declare:

27 1. We are the Co-Lead Counsel for plaintiffs and the purported class in this action.

28 We have personal knowledge of each matter stated herein. We make this declaration in support of

Counsel's stipulation to enlarge Plaintiffs' time to file a consolidated amended complaint from December 30, 2007 to January 18, 2008 which is concurrently filed with this declaration.

2. On November 30, 2007, the Court *sua sponte* ordered that the Consolidated Amended Complaint be filed by December 30, 2007. Additional time is needed for counsel to work together in completing the Consolidated Amended Complaint because the due date occurs within the holiday season which causes scheduling and coordination issues between plaintiffs' counsel.

4. **Previous Modifications of Time.** Counsel for plaintiffs have not previously requested a modification of time to file the Consolidated Amended Complaint.

5. **Effect on Schedule for the Case.** The requested time modification has the following effect on the schedule for this case:

<u>Event</u>	<u>Date</u>	<u>New Date</u>
Consolidated Amended Complaint	December 30, 2007	January 18, 2008
Joint Case Management Conference Statement	January 18, 2008	Unchanged
Case Management Conference	January 28, 2008, 10:00 AM	Unchanged

Further, in the concurrently filed Stipulation Enlarging Time to File a Consolidated Amended Complaint, counsel for the parties stipulated to the following schedule:

<u>Pleading</u>	<u>Due Date</u>
Answer or Motion	February 25, 2008
Opposition Briefs	March 28, 2008
Reply Briefs	April 11, 2008

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 22, 2007

Respectfully submitted,

LAW OFFICE OF DAMIAN R. FERNANDEZ

By: /s/ Damian R. Fernandez
M. Van Smith
Damian R. Fernandez

LAW OFFICE OF JOSEPH ANTONELLI

Joseph Antonelli (CA Bar No. 137039)

Janelle C. Carney (CA Bar No. 201570)

LAW OFFICES OF KEVIN T. BARNES

Kevin T. Barnes (CA Bar No. 138477)

Gregg Lander (CA Bar No. 194018)

Plaintiffs' Co-Lead Counsel

Dated: December 22, 2007

FOLKENFLIK & McGERITY

By: /s/ Max Folkenflik

Max Folkenflik, Esq.

Margaret Folkenflik, Esq.

HOFFMAN & LAZEAR

H. Tim Hoffman (CA Bar No. 49141)

Arthur W. Lazear (CA Bar No. 83603)

Plaintiffs' Co-Lead Counsel

ELECTRONIC CASE FILING ATTESTATION

(General Order No. 45(X)(b))

I, Damian R. Fernandez, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: December 22, 2007

LAW OFFICE OF DAMIAN R. FERNANDEZ

By: /s/ Damian R. Fernandez

Damian R. Fernandez

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CERTIFICATE OF SERVICE

I am over the age of 18 years, an active member of the State Bar of California, and not a party to this cause. My business address is Law Office of Damian R. Fernandez, 14510 Big Basin Way, Suite A, PMB 285, Saratoga, California 95070-6091.

On **December 26, 2007**, I served the document(s) described as:

▪ **DECLARATION BY DAMIAN R. FERNANDEZ IN SUPPORT OF STIPULATION ENLARGING TIME FOR PLAINTIFFS TO FILE A CONSOLIDATED AMENDED COMPLAINT**

to the parties listed below and in the following manner described preceding each list of recipients:

BY NOTICE OF ELECTRONIC FILING

The following persons were served **electronically** by simultaneously filing the attached document(s) with the United States District Court, Northern District of California, Case No. 07-05152-JW:

Attorneys for Apple

➤ Adrian Frank Davis	adrian.davis@lw.com
➤ Alfred Carroll Pfeiffer, Jr.	Al.Pfeiffer@lw.com
➤ Daniel Murray Wall	dan.wall@lw.com
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Attorneys For AT&T Mobility

➤ David Eldon Crowe	dcrowe@crowell.com
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Co-Lead Counsel for Plaintiffs

➤ Max Folkenflik	max@fmlaw.net
➤ H. Tim Hoffman	hth@hoffmanandlazeare.com
➤ Arthur William Lazear	awl@hoffmanandlazeare.com
➤ Morgan Matthew Mack	mmm@hoffmanandlazeare.com
➤ Alfred C. Pfeiffer, Jr.	al.pfeiffer@lw.com

BY ELECTRONIC EMAIL

The following persons were served by **regular electronic mail** because they have not registered for Electronic Case Filing with this Court:

Co-Lead Counsel for Plaintiffs

➤ Margaret McGerity	mmcgerity@fmlaw.net
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Attorneys For AT&T Mobility

➤ Archis A. Parasharami	aparasharami@mayerbrown.com
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BY U.S. MAIL

I enclosed the above-described document(s) in a sealed envelope or package addressed as set forth below and delivered such document(s) to the United States Postal Service on the same day with postage thereon fully prepaid:

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